

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #5	CCRB Case #: 201803598	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/06/2018 2:30 AM	Location of Incident: inside of § 87(2)(b)	Precinct: 47	18 Mo. SOL 11/6/2019	EO SOL 11/6/2019	
Date/Time CV Reported Mon, 05/07/2018 7:48 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 05/07/2018 7:48 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Leonard Armstrong	15037	956204	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Leonard Armstrong	Abuse: Police Officer Leonard Armstrong stopped § 87(2)(b)	§ 87(2)(b)
B.POM Leonard Armstrong	Force: Police Officer Leonard Armstrong used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Leonard Armstrong	Abuse: Police Officer Leonard Armstrong searched § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On May 7, 2018, § 87(2)(b) filed the following complaint with the CCRB via the Call Processing System. § 87(2)(b) filed the complaint on behalf of § 87(2)(b) § 87(2)(b) § 87(2)(b) was not a witness to the incident.

On May 6, 2018, Police Officer Leonard Armstrong of the 47th Precinct responded to a noise complaint at § 87(2)(b) § 87(2)(b) in the Bronx. PO Armstrong allegedly stopped § 87(2)(b) (Allegation A: Abuse of Authority, § 87(2)(g)). PO Armstrong allegedly used physical force against § 87(2)(b) (Allegation B: Force, § 87(2)(g)). PO Armstrong allegedly searched § 87(2)(b) (Allegation C: Abuse of Authority, § 87(2)(g)). § 87(4-b), § 87(2)(g) was arrested for § 87(2)(b) and was released on a Desk Appearance Ticket.

There is Body Worn Camera and surveillance camera video footage of the incident.

Findings and Recommendations

Allegation A: Abuse of Authority- Police Officer Leonard Armstrong stopped § 87(2)(b)

It is undisputed that § 87(2)(b) had a black, foldable knife clipped onto his left front pants pocket.

§ 87(2)(b) testified (Board Review 1) that no portion of the knife was visible other than the clip. PO Armstrong testified (Board Review 2) that he observed the clip and approximately one inch of the top of the knife.

A stop may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime. Patrol Guide Procedure 212-11 (Board Review 3); People v. DeBour, 40 N.Y.2d 210 (1976) (Board Review 4).

§ 87(2)(g)

Allegation B: Force- Police Officer Leonard Armstrong used physical force against § 87(2)(b)

§ 87(2)(b) testified (Board Review 1) that PO Armstrong used one hand and pushed him on his chest and up against a nearby wall. The push caused § 87(2)(b) to stumble back approximately one foot. § 87(2)(b)'s phone statement (Board Review 5) was consistent with § 87(2)(b)'s testimony. PO Armstrong (Board Review 2) testified to

placing § 87(2)(b) against the wall, but denied pushing § 87(2)(b) or using any force when placing § 87(2)(b) against the wall.

Attached below is a Snag It from PO Armstrong's BWC and a surveillance camera capturing when § 87(2)(b) was placed against the wall.



2018-08-09_9-04-58.mp4

PO Armstrong's BWC
(Board Review 6)



2018-08-09_9-07-15.mp4

Surveillance Camera
(Board Review 7)

In the videos, PO Armstrong is seen placing § 87(2)(b) against the wall in a guiding manner. PO Armstrong is not observed forcibly pushing § 87(2)(b) nor is § 87(2)(b) observed stumbling.

§ 87(2)(g)

Allegation C: Abuse of Authority- Police Officer Leonard Armstrong searched § 87(2)(b)

It is undisputed that PO Armstrong entered into § 87(2)(b)'s pocket and removed the knife.

PO Armstrong testified (Board Review 2) that he observed the top inch of the knife, including the gears, and the knife was clipped onto the pocket. PO Armstrong stated that gravity knives are typically folded, have a clip, and are meant for pants pockets. PO Armstrong's training and experience and prior arrests for gravity knives made him believe the knife was a gravity knife.

PO Armstrong's Body Worn Camera (Board Review 8) corroborated his testimony that the top portion of § 87(2)(b)'s knife was visible.

In People v. Brannon, an officer's observation of the "head" of a knife that was sticking out of and clipped to the defendant's pants pockets paired with the officer's experience that gravity knives are commonly carried in a person's pocket, attached with a clip, with the head protruding provided reasonable suspicion to support the seizure of the knife. People v. Brannon, 16 N.Y.3d 596 (3rd Dept.) (2011) (Board Review 9).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)



Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (Board Review 12).
- PO Armstrong has been a member of the NYPD for four years and is the subject of five prior complaints, involving seven allegations. None of the complaints were substantiated. Six of the seven prior allegations were for physical force (Board Review 13).

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation, as he wanted the officer disciplined.
- § 87(2)(b) has no criminal convictions in New York City (Board Review 14).
- A July 5, 2018 inquiry into the Office of the New York City Comptroller revealed no notice of claim filed by § 87(2)(b)

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____

Signature

Print Title & Name

Date